

1 Muriel B. Kaplan, Esq. (SBN 124607)
2 Michele R. Stafford, Esq. (SBN 172509)
3 Shaamini A. Babu, Esq. (SBN 230704)
4 SALTZMAN & JOHNSON LAW CORPORATION
5 120 Howard Street, Suite 520
6 San Francisco, CA 94105
(415) 882-7900
(415) 882-9287—Facsimile
mkaplan@sjlawcorp.com
mstafford@sjlawcorp.com
sbabu@sjlawcorp.com

7 Attorneys for Plaintiffs,
8 BAY AREA PAINTERS AND TAPERS
9 PENSION FUND, et al.

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
13 PENSION FUND, et al.;

Case No.: C08-0530 MMC

14 Plaintiffs,

[PROPOSED] JUDGMENT

15 v.

16 FRANK WILLIAM MITCHELL, individually
17 and dba MITCHELL CONSTRUCTION
DRYWALL METAL STUDS,

18 Defendant.

19 The defendant FRANK WILLIAM MITCHELL, individually and dba MITCHELL
20 CONSTRUCTION DRYWALL METAL STUDS ('Defendant'), having failed to plead or otherwise
21 defend in this action and its default having been entered,

22 Now, upon application of the Plaintiffs and upon declaration that: (1) Defendant has failed
23 and refused to make any payment of contributions owed to Plaintiffs for hours worked by
24 Defendant's employees during the period July 2007 through October 2007, plus liquidated
25 damages and interest accrued thereon as required by the applicable collective bargaining
26 agreement; (2) Defendant has been defaulted for failure to appear; and (3) Defendant is neither an
27
28

1 infant, nor incompetent, nor in the military service of the United States, it is hereby ORDERED,
 2 ADJUDGED AND DECREED as follows:

3 1. That Plaintiffs recover from Defendant FRANK MITCHELL, individually and dba
 4 MITCHELL CONSTRUCTION DRYWALL METAL STUDS, the sum of \$26,815.37 due and
 5 owing under the terms of the Collective Bargaining Agreement as follows:

7	Contributions, LD, and interest (7/07 - 10/07)	\$22,704.92
8	Attorneys Fees (1/14/08 - 04/03/08)	\$3,494.00
9	Costs of Suit (1/23/08-04/03/08)	\$616.45
10	TOTAL	\$26,815.37
		plus 7% p/a interest

11 2. That interest be awarded on the foregoing balance at the rate of seven percent (7%)
 12 per annum from the date of Judgment until paid.

13 3. That Plaintiffs be awarded additional attorneys' fees and costs they incur relative to
 14 collection of amounts under this Judgment. Plaintiffs may submit a future Declaration to the
 15 Court relative to such amounts claimed due.

16 4. That the Court retain jurisdiction over this matter to enforce the terms of this
 17 Judgment.

18 IT IS SO ORDERED.

19
 20 Dated: _____

21
 22 ELIZABETH D. LAPORTE
 23 UNITED STATES MAGISTRATE JUDGE

24

25

26

27

28

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 120 Howard Street, Suite 520, San Francisco, California 94105.

On April 8, 2008, I served the following document(s):

[PROPOSED] JUDGMENT

9 on the interested parties in said action by placing a true and exact copy of each document in a
10 sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San
11 Francisco, California, addressed as follows:

**Frank Mitchell
dba Mitchell Construction Drywall Metal Studs
310 Rancho Murieta Drive, Apt. D
Vacaville, California 95687**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 8th day of April, 2008, at San Francisco, California.

/ 3 /